Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address

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☐ *Individual appearing without attorney*
☒ *Attorney for:* Heide Kurtz, Chapter 7 Trustee

FOR COURT USE ONLY

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION

In re:

JOHN SHART and ELKE GORDON SCHARDT,

Debtor(s).

CASE NO.: 2:10-bk-29973-BR

CHAPTER: 7

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: 05/28/2013 **Time:** 2:00 pm

Location: United States Bankruptcy Court, Courtroom 1668, 255 E. Temple Street, Los Angeles, California 90012

Type of Sale: ☒ Public ☐ Private **Last date to file objections:** 05/14/2013

Description of property to be sold:
Real property located at 2355 Campbellsville Pike, Lynnville, Tennessee 38472, including adjacent land, including adjacent land, APN # 19 014 02 (the "Property")

Terms and conditions of sale:
Condition of Property: Property purchased "as-is" without any representations or warranties of any kind
Broker's Commissions: Six percent (6%)

Proposed sale price: $ 800,000.00

Overbid procedure (*if any*): See Proposed Overbidding Procedures attached as Exhibit 1 hereto.

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Contact person for potential bidders (*include name, address, telephone, fax and/or email address*):

Carmela T. Pagay, Esq.
Levene, Neale, Bender, Yoo & Brill L.L.P.
10250 Constellation Boulevard, Suite 1700
Los Angeles, CA 90012
Telephone: (310) 229-1234
Facsimile: (310) 229-1244
Email: ctp@lnbyb.com

Date: 05/07/2013

PROPOSED OVERBID PROCEDURES

FOR PURCHASE OF PROPERTY

1. Anyone interested in submitting an overbid with respect to the purchase of the Property must attend the hearing on the Motion or be represented by an individual at the hearing (either in person or telephonically) with authority to participate in the overbid process.

2. An overbid will be defined as an initial bid of $10,000 above the $800,000 proposed purchase price or higher with each additional overbid to be in $10,000 increments.

3. Overbidders (except for the Purchaser) must deliver a deposit to the Trustee's counsel by way of cashier's check made payable to "Heide Kurtz, Chapter 7 Trustee," in the amount of $81,000 (the "Deposit") no later than 7 calendar days prior to the hearing on the Motion.

4. Overbidders must purchase the Property on the same terms and conditions as the Purchaser.

5. The Deposit of the successful overbidder shall be forfeited if such party is thereafter unable to complete the purchase of the Property within 10 calendar days of entry of the order confirming the sale.

6. In the event the successful overbidder cannot timely complete the purchase of the Property, the Trustee shall be authorized to proceed with the sale to the next highest overbidder.

7. If there are any qualified overbidders, an auction of the Property shall be held during the hearing on the Motion (on **May 28, 2013 at 2:00 p.m.**) at which time the Court shall determine the highest and best bid for the Property.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 10250 Constellation Boulevard, Suite 1700, Los Angeles, California 90067

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 05/07/2013, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

• UNITED STATES TRUSTEE: United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:
On (*date*) 05/07/2013, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Court: Hon. Barry Russell, Roybal Federal Building, 255 E. Temple Street, #1660, Los Angeles, CA 90012

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

05/07/2013	Martha Vasquez	/s/ Martha Vasquez
Date	*Printed Name*	*Signature*